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**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
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Washington, D.C. 20231

Paper No. 5

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|   |   |                      |
|---|---|----------------------|
| In re Application of                    | : |                      |
| Garry W. Busboom, et al.                | : |                      |
| Application No. 09/135,926              | : | DECISION ON PETITION |
| Filed: August 18, 1998                  | : | TO MAKE SPECIAL      |
| For: A Lawn Mower Having Flow Control   | : |                      |
| Baffles and Removable Mulching Baffles: | : |                      |

This is a decision on the petition under 37 C.F.R § 1.102(d), filed December 23, 1998, to make the above-identified application special.

Petitioner requests that the above-identified application be made special under the accelerated examination procedure set forth in M.P.E.P. § 708.02, Section II: Infringement.

A grantable petition under 37 C.F.R § 1.102 (d), M.P.E.P. § 708.02, Section II: Infringement, must be accompanied by a fee under 37 CFR 1.17(i) a verified statement by the applicant or assignee or a statement by an attorney/agent registered to practice before the PTO alleging: (1) That there is an infringing device or product actually on the market or method in use; (2) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed ; and (3) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art..

The petition is accompanied by a statement by applicant's attorney, Dennis L. Thomte which complies with the above stated requirements.

The petition is GRANTED.

The application is being forwarded to the examiner for expedited prosecution.

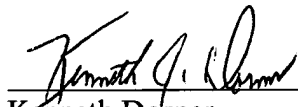
If the examiner can make this application special without prejudice to any possible interfering applications, and he should make a rigid search for such, he is authorized to do so for the next action. Should the application be rejected, the application will not be considered special for the subsequent action unless the applicant promptly makes a bona fide effort to place the application in condition for allowance, even if it is necessary to have an interview with the examiner to accomplish this purpose.

If the examiner finds any interfering application for the same subject matter, he should consider such application simultaneously with this application and should state in the official letter of such application that he is taking it out of turn because of possible interference.

Should an appeal be taken in this application or should this application become involved in an interference, consideration of the appeal and the interference will be expedited by all Patent and Trademark Office officials concerned, contingent likewise upon diligent prosecution by the applicant.

After allowance, this application will be given priority printing. See M.P.E.P. § 1309.

The petition is granted to the extent indicated.



Kenneth Dorner  
Special Program Examiner  
Tech Center 3600